

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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January 30, 2006

Mr. Robert Lloyd
Project Coordinator
Anchorage Field Office
Bureau of Land Management
6881 Abbott Loop Road
Anchorage, AK 99507

**RE: State Review of DRAFT Ring of Fire Resource Management Plan and
Environmental Impact Statement,**

Dear Mr. Lloyd;

The State of Alaska has reviewed the Bureau of Land Management (BLM), Ring of Fire (ROF) Resource Management Plan/Environmental Impact Statement (RMP/EIS). We appreciate the opportunity to offer comments and suggestions in support of the development of this plan pursuant to 43 CFR 1610.3-1. This letter represents the consolidated comments of state agencies.

We recognize the difficulty inherent in developing a land use decision-making document designed to provide overall guidance in an area where land status is in flux due to unresolved State and Native land selections. We appreciate BLM's efforts to coordinate with the State throughout the planning process. Through consistent, close coordination with the State, many potential issues have been eliminated or resolved during development of this plan. Furthermore, BLM's efforts to coordinate proposed management strategies with those on adjacent state lands as described in state planning documents will help to create predictable management schemes for the public now, and following conveyance of selected lands. The State supports multiple-use management strategies designed to promote wise stewardship of resources balanced with a clear goal of enhancing opportunities for resource development and is pleased to see BLM's stated commitment to multiple use and sustained yield as set forth in FLPMA. We hope that the following comments and suggestions will be useful as BLM prepares the final RMP/EIS.

GENERAL COMMENTS:

Withdrawal Review

During scoping, the State of Alaska requested that existing withdrawals be reviewed and those that are no longer needed for the purpose for which they were withdrawn be revoked.

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Of particular concern to the State are the Alaska Native Claims Settlement Act (ANCSA) 17 (d)(1) withdrawals. These (d)(1) withdrawals are no longer appropriate for two reasons: 1) most were made to enable ANCSA selections that have long since been completed, and 2) they supported the study of federal lands for possible designation as conservation system units, which was resolved by Congress with the Alaska National Interest Lands Conservation Act (ANILCA).

Furthermore, the PLOs under review are a series of orders issued by the Secretary of the Interior in the 1970s under the authority of Section 17(d)(1) of ANCSA. Their purpose was to maintain the status quo of the lands in order to complete inventories and assess resources for consideration in land management objectives.¹ The State asserts that the Resource Management Planning process provides the mechanism for developing land management objectives and strategies thus obviating the need for continued withdrawals. The State is pleased to see that BLM has conducted a review of the existing withdrawals and is recommending revocation of the ANCSA 17 (d)(1) withdrawals.

Coastal Zone Consistency

We request that BLM include information about the Alaska Coastal Zone Management Act of 1997 and the Alaska Coastal Management Program in the plan so that land managers as they undertake specific implementation activities are aware that certain federal actions may require a Federal Coastal Consistency Determination. Chapter 2, Section 2.0, page 2-3 may be an appropriate location for this discussion since this federal requirement will pertain to all alternatives. Attachment B contains language excerpted from other Federal land use plans that may be useful.

BLM is encouraged to contact the State with questions regarding program applicability for proposed federal actions that may affect coastal resources or uses.

Special Management Areas

As previously stated, we recognize the difficulty in developing a plan in an area where land status is in flux. BLM has identified three large tracts of land that, should these lands remain in long term BLM ownership, will benefit from a more focused management approach provided by the designation of Special Management Areas. The proposals will not encumber any state or native selected lands but will provide BLM with the necessary tools to devote additional resources to management through more site specific planning for these areas should they remain in long term BLM ownership.

Given the proximity of the proposed Knik and Haines Block SMAs to population centers and the increasing levels of use by both local residents and tourists, important resource values, and existing and potential user conflicts experienced in both areas, we do not disagree with BLM's proposal to provide more focused management efforts in these areas.

We recommend conditioning the text in the Introduction, Chapter 2, and Appendix F to make it clear that these lands will be managed as special management areas should they be retained in long term BLM ownership. Nothing in this plan encumbers state or native selected lands. More specific suggestions are included in the Page Specific Comments.

¹ US Dept. of Interior, Stakeholder Letter, Regarding review of (d)(1) withdrawals June 15, 2005.

PAGE SPECIFIC COMMENTS

Chapter I, Introduction

1.2 Description of Planning Area

We suggest adding a clarifying statement following “Because of over selection, BLM will ultimately retain management of some of the selected lands.” *However, nothing in this plan will encumber state or native selected lands prior to conveyance.*

1.3.2 Issues Considered But Not Further Analyzed, Page 1-6, Consider wilderness designations.

Please edit the last sentence to read as follows:

“In accordance with **all of** the above, wilderness inventory is not being conducted as part of this planning effort and wilderness areas designations are not considered in any of the alternatives.”

Chapter II: Alternatives

We suggest that a sentence be included in paragraph 3 of the introductory section on the alternatives on page 2-1 that further explains the tenure of RMP decisions on state and native selected lands. It would be helpful to explain that Special Management Designations neither encumber state or native selected lands, nor do they carry forward following conveyance.

2.1.3 Alternative C

We suggest modifying the second sentence (page 2-3) as follows:

“One ACE and two SRMAs would be established *should these lands remain in long term BLM ownership*, plans developed for the areas, and specific measures adopted to protect or enhance values within these areas.”

2.1.4 Alternative D

We suggest modifying the third sentence (page 2-4) as follows:

“One ACE and two SRMAs would be established *should these lands remain in long term BLM ownership*, plans developed for the areas, and specific measures adopted to protect or enhance values within these areas....”

2.3.1 Lands and Realty, Page 2-7, FLPMA Leases.

Trapping is not a commercially oriented activity, which requires a lease at fair market value from the Bureau under the Federal Land and Policy Management Act (FLPMA) for commercial cabin use. During deliberations for the Alaska National Interest Lands Conservation Act (ANILCA), Congress clearly stated that trapping is not a commercial activity unless:

... the trapping itself becomes a business with employees paid to support the trapping operation. (*Senate Report 96-413*)

Since Congress intended federal agencies to not categorize trapping as a commercial activity (unless it meets the criteria above), the decision by the Bureau to categorize trapping as a

commercial use and require a lease for use on Bureau lands is incorrect. We request the Bureau correct this oversight in the final plan.

2.3.5 Off-Highway Vehicles. Page 2-23, Access, 2nd paragraph bullets.

It is important to remember that subsistence includes more than just hunting, it also includes other activities such as berry picking, firewood collection, and other consumptive activities. We recommend the Bureau consider access needs for subsistence uses other than hunting when developing an implementation-level plan for off-highway vehicles.

2.4.1 Fisheries, Page 2-27, Objectives, 2nd paragraph.

For reference, we request the Bureau include a copy of the Master Memorandum of Understanding between the Bureau and the Alaska Department of Fish and Game in the Appendix of the final plan.

Section 2.4.5.2 Wildlife, Management Common to All Alternatives, page 2-30

The state supports BLM's commitment to continue to monitor Haines mountain goats to assess population response to commercial recreation helicopter use. This information will assist BLM as it considers the habitat needs of the mountain goat population in the development of the Activity-Level plan for the Haines Block SRMA.

2.5.3 Wildland Fire and Fuels, page 2-34 through 36.

We question whether it is reasonable to expect that BLM can maintain key ecosystem components intact and functioning "within their historical range" given our understanding of changes in climate. (page 2-35)

We found the objectives of the wildland fire and fuels management program to be well thought out and supportable. (page 2-35)

Please edit the first word in bullet number 5 to read "Suppress...." (page 2-36)

Table 2.7-1 Summary and Comparison of Effects on Resources by Alternative (p. 2-56)

Please modify the sentence "Future planning associated with the SMAs or VRM classifications proposed under this alternative could result in additional restrictions for mineral development within those areas" to indicate that future planning will also involve a public comment period. We suggest:

"Future planning associated with the SMAs or VRM classifications proposed under this alternative could result in additional restrictions for mineral development within those areas *after a period of public review and comment.*"

We also request that future integrated activity planning take into consideration the mineral potential as well as other resource development potential of these areas.

Chapter III: Affected Environment

3.2.8.5 Other Aquatic Habitats

Page 3-51 Critical Habitat Areas.

We recommend the Bureau separate this section into two parts, State Critical Habitat Areas and National Wildlife Refuges. Both areas are exclusive of one another and have differing statutory and administrative purposes.

Page 3-52, Critical Habitat Areas, 1st full paragraph.

Kenai National Wildlife Refuge may have wildlife-dependent recreation as a purpose of the refuge, but all refuges have this purpose under the Refuge Improvement Act of 1997.

Page 3-52, Critical Habitat Areas.

We recommend combining the two paragraphs describing Kodiak National Wildlife Refuge into a single paragraph.

Page 3-52, Critical Habitat Areas, last paragraph.

Is the 65% of total commercial harvest cited in the text referring to the value of fish or the quantity of fish?

3.2.9 Wildlife, Page 3-57, Wildlife, Southeast Region, 4th paragraph, and other similar language elsewhere in the text.

We request the Bureau clarify in the text that they manage 12 miles of the Tsirku River uplands, not the actual river itself.

3.3.4 Lands and Realty, Page 3-131, Lands and Realty, 4th bullet (ANILCA)

It is more accurate to state that the Alaska National Interest Lands Conservation Act (ANILCA) (1980) established and redesignated National Parks and Preserves, National Wildlife Refuges, National Conservation and Recreation Areas, Wild and Scenic Rivers, National Monuments, and wilderness areas on federal lands in Alaska.

3.3.4.7 Access, Southeast Region, page 3-143

Please expand upon the last paragraph on page 3-143 by adding the following:

“The State of Alaska has prepared the Southeast Alaska Transportation Plan (SATP 2004), which identifies 34 essential transportation and utility corridors to improve connectivity throughout the region. The ultimate development plan is to construct a highway through each of these corridors. Corridor number 2 extends southerly from Dyea (to the west of Skagway) along Taiya Inlet to Taiya Point, and then on to the Haines road system. This corridor crosses the easternmost portion of the Haines Block Special Recreation Management Area. Although these townships are state-selected, due to over-selections, there is a strong possibility that these townships will remain BLM-managed.”

Web link to the SATP:

http://www.dot.state.ak.us/stwdplng/projectinfo/ser/newwave/SATP_FINAL/index.shtml

See in particular Map 16:

http://dot.alaska.gov/stwdplng/projectinfo/ser/newwave/SATP_FINAL/assets/Map16.pdf

Our practice with other federal agency plans (i.e. USFS) has been to show a Transportation and Utility Corridor for state-proposed corridors on the associated EIS maps. We request that BLM consider illustrating the proposed transportation corridor crossing the Haines Block Special Recreation Management Area in Figure 2.3-4.

3.3.10 Off-Highway Vehicles, page 3-165

Please modify the second sentence in the fourth paragraph to reflect the fact that vehicles in Chugach State Park are allowed on established parking areas and roads as described in 11 AAC 12.020(g.) Vehicle Control. Snow vehicles are allowed on park lands during times when there is adequate snow cover to protect underlying vegetation as described in 11 AAC 20.040 Snow Vehicles.

3.3.10.2 Off Highway Vehicle Management Page 3-167, Kodiak Region.

There are several inaccuracies in this paragraph describing designated wilderness and off-highway vehicle management on the Kodiak National Wildlife Refuge. We request the Bureau revise this paragraph for the final plan.

3.3.11 Recreation, Page 3-169, 6th paragraph (and elsewhere in the document).

We request the Bureau revise the text in this paragraph and elsewhere in the document from “sport hunting” to just “hunting.” The State subsistence law currently includes all residents as subsistence users in areas where subsistence uses are authorized in State regulation. Federal agencies frequently mischaracterize hunters who are not federally qualified subsistence users to be “sport hunters.” Non-federally qualified subsistence users often qualify as subsistence users under the State regulations. It is also important to clarify that State regulations only classify hunters as being “resident” or “non-resident” hunters.

3.4.1.4 Wilderness Study Areas, Page 3-175.

We request the Bureau include a citation in this section referring back to page 1-6 of the plan regarding wilderness study proposals.

3.5.6 Subsistence, Page 3-200, Definitions of Subsistence.

We recommend the Bureau move the second sentence in the second paragraph, “State regulations continue to apply statewide to all subsistence activities unless otherwise superseded by federal regulations” to the first paragraph. In its present location, this sentence appears to apply only to subsistence fisheries and is therefore misleading.

The third paragraph of this section notes that the statutory definition of *subsistence uses* incorrectly references the rural priority that no longer exists in state law. The final sentence in this paragraph, “The state does recognize preferential allocation of resource harvest opportunities for rural or non-rural (e.g., sport, subsistence, urban or rural) user groups where uses are allowed,” is incorrect. The state regulations do not distinguish between user groups based on their rural or urban residence in Alaska. All Alaska residents qualify as subsistence users in areas of the state where subsistence uses are authorized.

Consistent with our recommendations on previous drafts of this plan, the regional descriptions of subsistence in this chapter now address the use of BLM lands for subsistence

purposes. In most instances, the discussion concludes that the Bureau cannot evaluate the importance of unencumbered BLM lands because these lands represent a small portion of the lands available for subsistence use in the area.

Chapter IV Environmental Consequences

4.3.1.2.3 Alternatives for Soils, Water Resources.

Off Highway Vehicles Effects on Soils and Water Resources, Please see pages 4-14, 15, 17, 19, 23, 25, 27, etc.

Scattered throughout Chapter 4 are numerous statements that contain the phrase “....except for the OHV closures at Campbell Tract and on the BLM parcels located within Chugach State Park.” Please note that limited OHV use is allowed within Chugach State Park as described in 11 AAC 20.015 and that snowmachine use is allowed in certain areas under certain conditions (11 AAC 20.040). Please consider as an alternative:

“...except for the OHV closures at Campbell Tract and restrictions on OHV use on BLM parcels located within Chugach State Park (11 AAC 20.015 and 11 AAC 20.040).” Citations are attached.

4.3.1.4 Fisheries and Aquatic Habitat

Page 4-34, Wild and Scenic Rivers Effects on Fisheries and Aquatic Habitat, 2nd paragraph (and elsewhere in the text).

It is not accurate to state that Wild Rivers typically do not allow motorized use. In Alaska, the Bureau’s management of Wild and Scenic Rivers applies only to uplands and restrictions on public uses are subject to the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) and Interior regulations at 43 CFR Part 36. The State of Alaska manages the rivers. In November 1982, the Alaska Land Use Council approved “A Synopsis for Guiding Management of Wild, Scenic, and Recreational Rivers in Alaska” (attached). We suggest the Bureau revise the sentence to the following:

Wild Rivers would allow unobtrusive development and activities consistent with the Department of Interior’s 43 CFR Part 36 regulations and the Wild and Scenic River guidelines adopted by the Alaska Land Use Council.

4.3.1.3.1 Direct and Indirect Effects Common to All Alternatives for Water Resources

Page 4-21, and 4-49, Off-highway Vehicle Effects on Vegetation and others.

We recommend the Bureau cite actual studies that document off-highway vehicle damage to vegetation instead of an advocacy report on off-highway vehicle damage. There are many studies in peer-reviewed academic journals that document off-highway vehicle damage to vegetation.

Page 4-54, Off Highway Vehicles Effects on Vegetation (Alternative D)

Please see earlier comments relative to OHV closures in Chugach State Park.

Page 4-57, Off Highway Vehicles Effects on Wetland-Riparian (Alternative A)

Please see earlier comments relative to OHV closures in Chugach State Park and the desirability of citing applicable peer-reviewed studies relative to OHV damage.

Page 4-61, Off Highway Vehicles Effect on Wetlands-Riparian (Alternative D)

Please see earlier comments relative to OHV closures in Chugach State Park.

Page 4-65, Off Highway Vehicles Effect on Wetlands-Riparian (Alternative A)

Please see earlier comments relative to OHV closures in Chugach State Park and the desirability of citing applicable peer-reviewed studies relative to OHV damage.

Page 4-67, 4-69, Off Highway Vehicles Effect on Wetlands-Riparian (Alternative C&D)

Please see earlier comments relative to OHV closures in Chugach State Park.

Pages 4-90, 91, Lands and Realty

We suggest checking references to Tables. Some of these references appear to be improperly numbered. As an example on page 91, the reference to fluid mineral leasing (see Table 2.3-3) we believe should be Table 2.3-2.

Page 4-123, Subsistence, Direct and Indirect Effects Common to All Alternatives for Subsistence.

The first sentence in the first paragraph of this section is confusing. It is unclear what point the authors are trying to make and we request they revise the sentence to clarify its intent.

Page 4-182, Subsistence, Past and Present Effects for Subsistence.

The last sentence in the first paragraph states that “Tyonek residents use the Neacola Mountains for federally-managed subsistence harvests of mountain goats, sheep, and other resources.” We are unaware of any source for this information and the text does not cite where a reader can find this information. A Division of Subsistence technical report describing subsistence uses in Tyonek does not indicate any harvest or use of goats and sheep by community residents during the period 1978-1984 (Fall et al, 1984, cited on page 3-221 of the draft plan). In addition, the discussion of subsistence uses in this plan (page 3-221) also does not provide any evidence supporting the assertion that Tyonek residents harvest goats and sheep in the Neacola Mountains. More importantly, there is no federal subsistence priority for goats or sheep in Game Management Unit 16B, which includes the portion of the Neacola Mountains most accessible to Tyonek residents. We request the Bureau revise this section by either citing the source for this information or removing the information from the plan.

The third paragraph in this section discusses the “wealth imbalance between urban dwellers and rural people” as a factor affecting subsistence users in the southcentral region. Referring back to the list of communities in the southcentral region presented in Table 3.5-25 (page 3-214), it is unclear which rural communities are being impacted by this wealth imbalance. It is also unclear what extent BLM lands are affected or involved, since the plan says unencumbered BLM lands in the southcentral region “represent a small portion of lands available for subsistence harvests, and subsistence users are not likely to utilize much of these lands for subsistence harvests because they are inhospitable or inaccessible” (page 3-220). We agree that a wealth imbalance between urban and rural residents is one factor that affects subsistence users and uses, but the authors do not make the case that this is a key factor involving BLM lands in the planning area.

APPENDICES

Appendix A, Figures

We found the maps developed in support of this RMP to be very helpful in developing an understanding of existing conditions and the results of proposed RMP decisions. Given the extent of the planning area, we recognize that mapping has been a challenge. Creating maps with a regional focus is quite helpful.

Special Management Areas, WSR Maps

Figures 2.3-1 and 2.3-2 are very helpful in terms of putting the proposed special management areas in perspective as well as providing sufficient detail via map insets to grasp their extent and potential impact. The same approach using insets that zoom in on an area of focus providing more detailed mapping of proposed WSR is quite effective.

Fluid Mineral Leasing, Figures 2.3-17

We were unable to locate a map depicting areas open for Fluid Mineral Leasing – Alternative D for Kodiak and the Alaska Peninsula. We assume that the map would be the same as for Alternative C and B in that all areas are open. However, clarification or insertion of a map for this region would be helpful.

Appendix D: Required Operating Procedures, Lease Stipulations, and Standard Required Operating Procedures

Exceptions, Modifications, and Waivers, page D-1 (paragraph 2).

The introductory section addressing exceptions, modifications, and waivers, states that the first requirement is that “the circumstances or relative resource values in the area had changed following issuance of the lease.” The State is concerned that a lease stipulation may be attached to a lease but the stipulation may not be appropriate for the entire lease area. An exception may be warranted because the specific area of activity does not justify the stipulation. As currently written, however, an exception could not be granted without demonstrating that something has changed.

The exceptions themselves, included with each stipulation, are written in such a way that this first requirement is inconsistent. For example, Stipulation 2 allows exceptions, if a specific area is not actually used by moose, which has nothing to do with changed circumstances. Therefore, the State recommends that the first requirement for granting an exception be deleted, or established as a separate independent justification for granting an exception.

ROP, Soils.

The State is pleased to see BLM consider the use of both seeding with native seed or provision of appropriate soil conditions for natural revegetation as options for meeting revegetation requirements. ROP Soils 9 and 10 are realistic approaches to successful revegetation efforts aimed at preventing noxious weed infestations.

ROP Hazardous Materials and Waste Handling (page D-11, Haz 13).

Please modify this stipulation to conclude with the words - "unless approved by AO". This would make it consistent with the stipulation above, and would be more consistent with how the state deals with temporary fuel storage facilities.

Standard Lease Terms, Section 7, Mining operations.

- To the extent that impacts from mining operations would be substantially different or greater than those associated with normal drilling operations, lessor reserves the right to deny approval of such operations.

The above ROP appears to be an example of a previous ROP originally associated with oil and gas development. The State suggests that it is reasonable to assume that the impacts from a mining operation would be substantially different and greater than those associated with mineral exploration drilling. The impacts from a proposed mining operation should be evaluated and minimized through the Plan of Operations Approval process, but they will likely be greater than those associated with the drilling of an exploration drill hole. It is not reasonable to expect mining companies to invest capital in mineral exploration if they cannot expect to develop the mineral resources. The State suggests that this section be deleted.

Required Operating Procedures and Stipulations

We found the Vegetation Requirements on page D-8 to be well thought out and supportable.

Figures D-5 and D-6, Swan Nesting Habitat Map.

The maps shown in Appendix D do not apply the multi-year datasets that are available from the US Fish and Wildlife Service Migratory Bird Management Program. Trumpeter swan nesting is much more extensive in these areas than indicated on the map. We recommend the Bureau contact the US Fish and Wildlife Service Migratory Bird Management Program in Juneau for comprehensive maps of swan nesting habitat.

Appendix F, Proposed Special Management Area Objectives.

We suggest that an introductory paragraph be created that explains how these objectives will contribute to the development of an Integrated Activity Plan for each SMA and how that planning process will take place and under what conditions. This would also be an appropriate location to further clarify that Special Management Areas will not encumber either state or native selected lands and further planning processes are unlikely to take place until selections are adjudicated.

We find the Goals and Objectives for the proposed Special Management Areas to be reasonable and designed to provide for flexibility in the development of subsequent Integrated Activity Plans. However, we request that BLM consider revising the 2. Haines Block Special Recreation Management Area Goals and Objectives as follows:

Insert new Goal 2. b. iii

- iii. Improve surface access by cooperating with the State of Alaska in the location and use of a Transportation and Utility Corridor(s) between Haines and Skagway.*

Insert new Objective 2. c. v. and renumber the current 2.c.v to 2.c.vi.

- v. Expand recreational opportunities through construction of an access road into the easternmost portion of the block (along the west side of Taiya Inlet).*

We appreciate BLM's commitment to work collaboratively with other landowners in these areas as well as users and other stakeholders through a public process to develop workable management strategies.

In order to make this section easier to read for people who may skip directly to the appendix, it may be helpful to insert the two maps depicting the proposed special management areas or include a page specific reference to those maps and tables in a paragraph for each SMA.

Appendix I, Section 810 Analysis.

This analysis concludes that none of the four planning alternatives or the cumulative case will significantly restrict subsistence uses of unencumbered BLM-managed lands on which the federal subsistence priority applies. This is a reasonable conclusion, given the limited and scattered nature of most unencumbered BLM lands in the planning area.

Thank you for the opportunity to offer comments on the Draft Ring of Fire Resource Management Plan/ EIS. We appreciate the attention BLM has paid to existing State planning documents, regulations, and previously articulated concerns as well as the level of cooperation and coordination extended to the State. Should you have any questions, please do not hesitate to contact me.

Sincerely,

/ss/

Carol Fries
State RMP Project Coordinator

cc: Randy Bates, Acting Director, Office of Project Management and Permitting
Ed Fogels, Acting Deputy Commissioner

Attachments:

State Regulations referenced in text.

Coastal Zone Consistency, Sample Language

Master Memorandum of Understanding between BLM and ADF&G

ATTACHMENT A

Regulations - Chugach State Park

11 AAC 20.015. Off-road vehicles

(a) The use of off-road vehicles is allowed in Chugach State Park only on Eklutna Lakeside Trail and logging trails in Bird Creek Valley.

(b) A person may not operate an off-road vehicle from 12:01 a.m. Thursday through 11:59 p.m. Saturday on Eklutna Lakeside Trail, except as provided in this chapter.

History: Eff. 5/11/85, Register 94; am 5/24/96, Register 138

Authority: AS 41.21.020; AS 41.21.040; AS 41.21.121; AS 41.21.950

11 AAC 20.040. Snow vehicles

If the director finds that the snow depth is adequate to protect underlying vegetation, the director shall post the following areas as open to the use of snow vehicles:

(1) the Eklutna Lake Basin from Campground "A" to the bottom of the Eklutna Glacier, excluding the Twin Peaks Trail, the Bold Ridge Trail, and the East Fork of the Eklutna drainage;

(2) Peters Creek drainage down valley from the small creek that enter Peters Creek from the north within Sec. 19, T14N, R2E, Seward Meridian;

(3) Little Peters Creek or Ptarmigan Valley drainage and adjacent land north of Meadow Creek drainage, except for the NW 1/4 of Section 21, T15N, R1W, Seward Meridian;

(4) the Ptarmigan Valley Trail from the Old Glenn Highway to Ptarmigan Valley;

(5) the Eagle River water course and gravel bars downstream of the confluence of Icicle Creek and Eagle River located in Section 25, T13N, R1E, Seward Meridian, excluding the South Fork and Meadow Creek;

(6) the snow vehicle corridor from the Eagle River Nature Center located at Mile 12 of the Eagle River road;

(7) south fork of Campbell Creek on the designated corridor from Upper Huffman Trailhead to south of Sections 28 and 29, T12N, R2W, Seward Meridian;

(8) Bird Creek drainage south of the Quartz Creek Ford.

History: Eff. 5/11/85, Register 94; am 2/3/88, Register 105; am 4/20/2002, Register 162

Authority: AS 41.21.020; AS 41.21.040; AS 41.21.121

Attachment B Coastal Zone Consistency Sample Language

Explanatory Language:

Although federal lands, including lands included in the ~~xxxx~~, are excluded from the coastal zone (16 U.S.C., section 1453[1]), the Coastal Zone Management Act of 1972 as amended (PL 92-583), directs federal agencies conducting activities within the coastal zone or that may affect any land or water use or natural resources of the coastal zone to conduct these activities in a manner that is consistent “to the maximum extent practicable”² with approved state management programs.

The Alaska coastal zone Management Act of 1977, as amended, and the subsequent Alaska coastal Management Program and Final Environmental Impact Statement (1979) establish policy guidance and standards for the review of projects within or potentially affecting Alaska’s coastal zone. In addition, specific policies have been developed for activities and uses of coastal lands and water resources within regional coastal resource districts. Most incorporated cities, municipalities, and boroughs as well as unincorporated areas (coastal resource service areas) within the coastal zone now have state-approved coastal management programs.

Although state and coastal district program policies are to guide consistency determinations, more restrictive Federal agency standards may be applied. Federal regulations state that “(w)hen Federal agency standards are more restrictive than standards or requirements contained in the State’s management program the Federal agency may continue to apply its stricter standards...” (15 CFR, Section 930.39 [d]).

Certain federal actions may require a Federal Consistency Determination. The XXX will contact the Department of Natural Resources’ Alaska coastal Management Program for program applicability before beginning a project that may affect the coastal zone.

Description of Coastal zone Management Act of 1972

This act was passed in recognition of the increasing and conflicting uses that were causing irreparable harm to both the biological and physical systems associated with coastal areas (Bristol Bay Coastal Resources Service Area Board 1987). This act directed states to complete comprehensive coastal management programs. It mandated that once a state’s plan received Federal approval, that Federal actions must be “consistent: with the state’s plan.

² “To the maximum extent practicable” means, “to the fullest degree permitted by existing law (15 CFR, Section 930.32).”

Attachment C
Master Memorandum of Understanding
Between
The Alaska Department of Fish and Game and The Bureau of Land Management

MASTER MEMORANDUM OF UNDERSTANDING

BETWEEN

THE ALASKA DEPARTMENT OF FISH AND GAME
Juneau, Alaska

AND

THE U.S. BUREAU OF LAND MANAGEMENT

DEPARTMENT OF THE INTERIOR

Anchorage, Alaska

This Master Memorandum of Understanding between the State of Alaska, Department of Fish and Game, hereinafter referred to as the Department, and the U.S. Department of the Interior, Bureau of Land Management, hereinafter referred to as the Bureau, reflects the general policy guidelines within which the two agencies agree to operate.

WHEREAS, the Department, under the Constitution, laws, and regulations of the State of Alaska, is responsible for the management, protection, maintenance, enhancement, rehabilitation, and extension of the fish and wildlife resources of the State on the sustained yield principle, subject to preferences among beneficial uses; and

WHEREAS, the Bureau, by authority of the Constitution, Laws of Congress, executive orders, and regulations of the U.S. Department of Interior has a mandated responsibility for the management of Bureau lands, and the conservation of fish and wildlife resources on these lands; and

WHEREAS, the Department and the Bureau share a mutual concern for fish and wildlife conservation, management, and protection programs and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties, the concerned fish and wildlife resources and their habitats, and produce the greatest public benefit; and

WHEREAS, it has been recognized in the Alaska National Interest Lands Conservation Act (ANILCA) and subsequent implementing Federal regulations that the resources and uses of Bureau lands in Alaska are substantially different than those of similar lands in other states; and

WHEREAS, the U.S. Congress and the Alaska Legislature have enacted laws to protect and provide the opportunity for continued subsistence use of Alaska's fish and wildlife resources by rural residents; and

WHEREAS, the Department and the Bureau recognize the increasing need to coordinate resource planning, policy development, and program implementation;

10-11-70/BLM-2

NOW, THEREFORE, the parties hereto do hereby agree as follows:

THE DEPARTMENT OF FISH AND GAME AGREES:

1. To recognize the Bureau as the Federal agency responsible for multiple-use management of Bureau lands including wildlife habitat in accordance with the Federal Land Policy and Management Act, ANILCA, and other applicable law.
2. To regulate and manage use of fish and wildlife populations on Bureau lands in such a way as to maintain or improve the quality of fish and wildlife habitat and its productivity.
3. To consult with the Bureau in a timely manner and comply with applicable Federal laws and regulations before embarking on enhancement or construction activities on or which would affect Bureau lands.
4. To act as the primary agency responsible for management of all uses of fish and wildlife on State and Bureau lands, pursuant to applicable State and Federal laws.
5. To notify the Bureau of any animal damage control activities on Bureau lands; and to obtain Bureau approval for the use of pesticides, herbicides, or other toxic chemical agents in the course of animal damage control.
6. To provide all maintenance on facilities, structures, or other construction owned by the Department on Bureau lands; and to hold the Bureau harmless for liability claims resulting from these constructions, facilities, and/or structures.

THE BUREAU OF LAND MANAGEMENT AGREES:

1. To recognize the Department as the primary agency responsible for management of use and conservation of fish and wildlife resources on Bureau lands.
2. To recognize the right of the Department to enter onto Bureau lands at any time to conduct routine management activities which do not involve construction, disturbance to the land, or alterations of ecosystems.
3. To recognize the Department as the primary agency responsible for policy development and management direction relating to uses of fish and wildlife resources on State and Bureau lands, pursuant to applicable State and Federal laws.
4. To incorporate the Department's fish and wildlife management objectives and guidelines in Bureau land use plans unless such

provisions are not consistent with multiple use management principles established by FLPMA, ANILCA, and applicable Federal law.

5. To adopt the State's regulations to the maximum extent allowed by Federal law when developing new or modifying existing Federal regulations governing or affecting the taking of fish and wildlife on Bureau lands in Alaska.
6. To notify the Department of any portion of the Department's fish and wildlife management objectives, guidelines, or State regulations that the Bureau determines to be incompatible with the purposes for which Bureau lands are managed.
7. To manage Bureau lands so as to conserve and enhance fish and wildlife populations.
8. To inform the Department of proposed development activities on Bureau lands which may affect fish and wildlife resources, subsistence and other uses, and to provide or require appropriate mitigation where feasible.
9. To permit, under appropriate agreement or authorization, the erection and maintenance of facilities or structures needed to further fish and wildlife management activities of the Department on Bureau lands, provided their intended use is not in conflict with Bureau policy and land-use plans.
10. To recognize that the taking of fish and wildlife by hunting, trapping, or fishing on Bureau lands in Alaska is authorized in accordance with applicable State and Federal law unless State regulations are found to be incompatible with Bureau regulations.

THE DEPARTMENT OF FISH AND GAME AND BUREAU OF LAND MANAGEMENT MUTUALLY AGREE:

1. To coordinate planning for management of fish and wildlife resources on Bureau lands and adjacent lands having common fish and wildlife resources so that conflicts arising from differing legal mandates, objectives, and policies either do not arise or are minimized.
2. To cooperate in planning, enhancement, or development activities on Bureau lands which require permits, environmental assessments, compatibility assessments, or similar regulatory documents by responding in a timely manner with requirements, time tables, and any other necessary input.
3. To consult with each other when developing or implementing policy, legislation, and regulations which affect the attainment of wildlife resource management goals and objectives of the other agency.

4. To cooperate in the management of fish and wildlife resources and habitat (including planning, regulation, enforcement, protection, restoration, research, inventories, and habitat enhancement) on Bureau lands and adjacent lands having common fish and wildlife resources consistent with the species and habitat management plans and objectives of both agencies.
5. To develop specific plans for cooperative development and joint management of habitat areas determined to be essential to the continued productivity or existence of fish and wildlife populations.
6. To consult with the Department prior to entering into any cooperative land management agreements which could affect fish and wildlife resources.
7. To cooperate in the development of fire management plans which may include establishment of priorities for the control of wild-fires, or use of prescribed fires.
8. To make facilities, equipment and assistance mutually available on request for use in fish and wildlife work and habitat improvement consistent with Bureau and Department requirements.
9. Neither to make nor sanction any introduction or transplant of any fish or wildlife species on or affecting Bureau lands without first consulting with the other party and complying with applicable Federal and State laws and regulations.
10. To provide to each other upon request fish and wildlife data including subsistence and other uses, information, and recommendations for consideration in the formulation of policies, plans and management programs regarding fish and wildlife resources.
11. To cooperate in the preparation of announcements and publications and the dissemination of fish and wildlife information; any material obtained from cooperative studies may be published or reproduced with credit given to the agencies or organizations responsible for its acquisition or development. Any news release relating specifically to cooperative programs will be made only by mutual consent of the agencies.
12. To cooperate and coordinate in the issuance of permits to persons, industry, or government agencies for activities affecting designated anadromous fish streams on Bureau lands, in accordance with Alaska Statute 16.05.870 and to cooperate in the formulation of comments and recommendations on permits issued by other governmental agencies in accordance with the Fish and Wildlife Coordination Act, Clean Water Act and other applicable laws.

13. To resolve, at field office levels, all disagreements pertaining to the cooperative work of the two agencies which arise in the field and to refer all matters of disagreement that cannot be resolved at equivalent field levels to the State Director and to the Commissioner for resolution before either agency expresses its position in public.
14. To meet annually at the Director/Commissioner level and discuss matters relating to the management of fish and wildlife resources and their habitats on, or affected by, respective programs; to provide for other meetings at various administrative levels for discussion of law enforcement, educational programs, cooperative studies, research, fish and wildlife surveys, habitat development, hunting, fishing, trapping seasons, and such other matters as may be relevant to fish and wildlife populations and their habitats.
15. To develop such supplemental memoranda of understanding and cooperative agreements between the Bureau and the Department as may be required to implement the policies contained herein.
16. That this Master Memorandum is subject to the laws of the State of Alaska and the United States. Nothing herein is intended to conflict with current directives, laws or regulations of the signatory agencies. If conflicts arise or can be foreseen, this Memorandum will be amended or a new Memorandum of Understanding will be developed.
17. That this Master Memorandum of Understanding is subject to the availability of appropriated State and Federal funds.
18. That this Master Memorandum of Understanding establishes procedural guidelines by which the parties shall cooperate, but does not create legally enforceable obligations or rights.
19. That this Master Memorandum of Understanding supersedes all previous Master Memoranda of Understanding between the Bureau and Department and all supplements and amendments thereto.
20. That this Master Memorandum of Understanding shall become effective when signed by the Commissioner of the Alaska Department of Fish and Game and the State Director of the Bureau of Land Management and shall continue in force until terminated by either party by providing notice in writing 120 days in advance of the intended date of termination.
21. That amendments to this Master Memorandum of Understanding may be proposed by either party and shall become effective upon approval by both parties.

STATE OF ALASKA

Department of Fish and Game

By Don W. Collinsworth

Don W. Collinsworth

Commissioner

Date 6-28-83

U.S. DEPARTMENT OF THE INTERIOR

Bureau of Land Management

By Curtis V. McVee

Curtis V. McVee

Director

Date 8/3/83

Supplement to the
MASTER MEMORANDUM OF UNDERSTANDING
between
THE ALASKA DEPARTMENT OF FISH AND GAME
AND
THE BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR, ALASKA

SIKES ACT IMPLEMENTATION

This supplemental memorandum of understanding is pursuant to the Master Memorandum of Understanding between the Alaska Department of Fish and Game (ADF&G) and the Bureau of Land Management (BLM), Alaska, dated AUG 3 1983. Public Law 93-452, of October 18, 1974, 16 U.S.C. 670a et seq., commonly referred to as the Sikes Act, provides the broad authority to: 1) Plan and carry out fish and wildlife conservation and habitat rehabilitation programs on Bureau lands consistent with overall land use plans; 2) Protect significant habitat for threatened and endangered species; and 3) Enforce regulations to control off road vehicle (ORV) traffic or other public use of lands subject to conservation and rehabilitation programs conducted under the Act.

The Act in no way diminishes the authority of the State of Alaska to manage resident fish and wildlife populations.

It is the purpose and intent of this supplement to provide a working relationship and procedure for implementation of the Sikes Act on Bureau lands in Alaska between ADF&G and BLM.

Terms used in this supplement are defined as follows:

- 1) Conservation and rehabilitation program - Includes programs necessary to protect, conserve, and enhance wildlife resources to the maximum extent practicable on Bureau lands consistent with any overall land-use and management plans for the lands involved.
- 2) Habitat Management Plan (HMP) - BLM's intensive, detailed action plan for wildlife management on a specific geographic area of biological interest on Bureau lands. The HMP is a cooperative plan with the State Wildlife agency and is based on current public input. The HMP shall be the implementing document for the Sikes Act.
- 3) Bureau Lands - These are public lands under the jurisdiction of the Bureau of Land Management.

THEREFORE, BE IT RESOLVED THAT FOR THE PURPOSE OF IMPLEMENTING P.L. 93-452, ADF&G and BLM mutually agree to the following:

- 1) HMPs will be implemented for areas where land-use plans have been prepared, unless otherwise authorized by the State Director, BLM.
- 2) HMPs will be based on priorities within Alaska, as mutually selected by the Commissioner, ADF&G, and the State Director, BLM. Guidelines for establishing HMP priorities shall be based on the following:
 - a) The basic resource values which may be enhanced and benefits produced by implementation of active management programs and/or regulations.
 - b) The identification, through the BLM or ADF&G planning systems, of areas having a need for intensive wildlife management.
 - c) The potential for wildlife habitat to be altered by land use activities such as energy and industrial development, urban expansion, road construction, and ORV traffic.
 - d) The need to protect important and/or critical fish and wildlife habitat such as salmon spawning areas, moose winter range, or the habitats of endangered or threatened species.
- 3) Protection will be afforded to those fish and wildlife species designated as threatened or endangered by the Alaska Department of Fish and Game or by the Secretary of the Interior pursuant to Section 4 of the Endangered Species Act of 1973.
- 4) HMPs will specify fish and wildlife habitat improvements or modifications needed.
- 5) Rehabilitation of Bureau lands will be undertaken where necessary to support HMP recommendations and consistent with the availability of funds for that purpose.

- 6) Hunting, fishing, and trapping of resident fish and wildlife on HMP areas will be in accordance with applicable laws and regulations of the State of Alaska.
- 7) It is herein recognized that the Secretary of the Interior has the authority to promulgate regulations to control the public use of Bureau lands consistent with the HMP, including, but not limited to ORV use. BLM and ADF&G will coordinate federal land use and state hunting, fishing and trapping regulations during Sikes HMP development.
- 8) Funds authorized and appropriated for HMP implementation on Bureau lands in Alaska shall include, but not be limited to all activities associated with scientific resource management, such as the following: protection, research, census, law enforcement, habitat management, propagation, live trapping, transplantation, and regulated taking. Funds may be allocated for hiring of personnel, contractual services, physical habitat improvement projects, and grants to colleges. It shall be the joint responsibility of the Commissioner, ADF&G, and the State Director, BLM, to define areas and projects for priority funding under the Sikes Act. It shall be the responsibility of the State Director, BLM to secure funding through BLM's program funding procedures. Final disbursement of Sikes Act Funds shall be made through the State Director, BLM, after consultation with the Commissioner, ADF&G.
- 9) Plans and programs initiated on Bureau lands under the Sikes Act in Alaska shall not conflict with comprehensive plans required of the State under any Federal or State Acts.
- 10) BLM and ADF&G will discuss the following Sikes Act items during the course of their annual coordination meeting:
 - a) A progress report on the current status of HMP implementation.
 - b) The review of wildlife values produced under the existing conservation and rehabilitation programs.

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- c) The priorities for HMP implementation.
- d) The program and budget recommendations for the upcoming and succeeding fiscal years.

This supplement shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment or abolishment of the Act by Congress, or by either party upon thirty days notice in writing to the other party of its intention to terminate upon a date indicated.

STATE OF ALASKA
Department of Fish and Game

By Don W. Collinsworth
Don W. Collinsworth
Commissioner

Date 6-28-83

U.S. DEPARTMENT OF THE INTERIOR
Bureau of Land Management

By Curtis V. McVee
Curtis V. McVee
State Director

Date 8/3/83